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December 5, 2008

**VIA FEDERAL EXPRESS**  
**NEXT BUSINESS MORNING**  
**AND ELECTRONIC FILING**

The Honorable Michael A. Shipp  
United States Magistrate Judge  
M.L. King, Jr. Federal Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

**Re: Walsh Securities, Inc. v. Cristo Property Management, Ltd., et al.;**  
**Civil Action No. 97-3496 (DRD) (MAS)**

Dear Judge Shipp:

This firm represents Third Party Defendant Elizabeth Ann DeMola in the above-referenced matter. This letter is written concerning our letter application to the Court dated September 29, 2008, wherein we respectfully requested to withdraw as counsel for Ms. DeMola, either by Order in the event that no other parties objected and we received Ms. DeMola's consent, or by permission from the Court to file an appropriate motion.

It is our understanding from our telephone conversation with Frances Huskey of Your Honor's Chambers this past Wednesday, December 3, 2008, that by this letter we may respectfully request the Court to enter an Order permitting this firm to withdraw as counsel for Ms. DeMola.

Specifically, Ms. DeMola came to our office this past Tuesday afternoon, December 2, 2008, and signed two original Notices of Consent to Withdrawal of Counsel. As suggested, enclosed as Exhibits A and B please find an original Notice of Consent to Withdrawal of Counsel signed both by myself and Ms. DeMola, as well as a proposed Order Permitting Withdrawal of Counsel.

The Honorable Michael A. Shipp

December 5, 2008

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Moreover, no parties or counsel have objected to this firm's September 29, 2008 request to withdraw as counsel for Ms. DeMola.

Lastly, as initially set forth in our September 29, 2008 letter, we have had continued difficulties in communicating with Ms. DeMola, most recently with respect to our withdrawal request. For example, we had not heard from Ms. DeMola concerning our withdrawal request until this past Sunday, November 30, 2008, when Ms. DeMola called our office that Sunday on an unrelated matter and I happened to be working and answered the telephone, which resulted in my subsequent meeting with her this past Tuesday afternoon.

It is our understanding that matters relating either to Plaintiff Walsh Securities, Inc.'s ("Plaintiff") Motion for Leave to File a Fourth Amended Complaint – including any and all pre-answer motions to dismiss or answers to Commonwealth's Amended Third Party Complaint, including by Ms. DeMola – or to Defendant Commonwealth Land Title Insurance Company's ("Commonwealth") Motion/Application with respect to the length of Plaintiff's deposition, were and remain held in abeyance until after the Court holds a Status Conference following the resolution of said motions. In this respect, Plaintiff has pending a Motion for Reconsideration currently returnable on January 5, 2008, and Commonwealth's Motion/Application is pending.

Thank you very much for your consideration.

Respectfully submitted,



Marc D. Freedman

Enclosures

cc: Betty Ann DeMola (w/encl., via Certified Mail Return Receipt Requested, Federal Express, and regular mail)  
Robert A. Magnanini, Esq. (w/encl., via electronic filing and fax)  
David R. Kott, Esq. (w/encl., via electronic filing and fax)  
Edward J. Hayes, Jr., Esq. (w/encl., via electronic filing and fax)  
Martin R. McGowan, Jr., Esq. (w/encl., via electronic filing and fax)  
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All Other Persons on the Attached Service List (w/encl.)

**SERVICE LIST**

**WALSH SECURITIES, INC. V. CRISTO PROPERTY MANAGEMENT, ET AL.**  
**CIVIL ACTION NO. 97-3496 (DRD) (MAS)**

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**For Nations Title Insurance Co. of New York and Fidelity National Title  
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**For William Kane, Pro Se; Cristo Property Management Ltd, a/k/a/ G.J.L. Limited,  
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Se**

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**For Capital Assets Property Management & Investment Co., Inc., Pro Se, and  
Capital Assets Property Management, L.L.C., Pro Se**



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777 Terrace Avenue, 5<sup>th</sup> Floor  
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(201) 288-7773  
Attorneys for Third-Party Defendant  
Elizabeth Ann DeMola

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

WALSH SECURITIES, INC.,	:	Civil Action No. 97-cv-3496 (DRD) (MAS)
Plaintiff,	:	Hon. Dickinson R. Debevoise
vs.	:	
CRISTO PROPERTY MANAGEMENT, LTD., a/k/a G.J.L. LIMITED, DEK HOMES OF NEW JERSEY, INC., OAKWOOD PROPERTIES, INC., NATIONAL HOME FUNDING, INC., CAPITAL ASSETS PROPERTY MANAGEMENT & INVESTMENT CO., INC., CAPITAL ASSETS PROPERTY MANAGEMENT, L.L.C., WILLIAM KANE, GARY GRIESER, ROBERT SKOWRENSKI, II, RICHARD CALANNI, RICHARD DiBENEDETTO, JAMES R. BROWN, THOMAS BRODO, ROLAND PIERSON, STANLEY YACKER, ESQ., MICHAEL ALFIERI, ESQ., RICHARD PEPSNY, ESQ., ANTHONY M. CICALESE, ESQ., LAWRENCE CUZZI, ANTHONY D'APOLITO, DAP CONSULTING, INC., COMMONWEALTH LAND TITLE INSURANCE CO., NATIONS TITLE INSURANCE OF NEW YORK, INC., FIDELITY NATIONAL TITLE INSURANCE CO. OF NEW YORK, COASTAL TITLE AGENCY, STEWART TITLE GUARANTY COMPANY, IRENE DIFEO, DONNA PEPSNY, WEICHERT REALTORS, AND VECCHIO REALTY, INC. D/B/A MURPHY REALTY BETTER HOMES and GARDENS,	:	
Defendants,	:	

and

COMMONWEALTH LAND TITLE  
INSURANCE COMPANY,

Defendant/Third Party Plaintiff,

v.

ROBERT WALSH and  
ELIZABETH ANN DEMOLA,

Third Party Defendants,

and

ROBERT WALSH

Counterclaim- Plaintiff,

v.

COMMONWEALTH LAND TITLE  
INSURANCE COMPANY,

Counterclaim-Defendant.

**PLEASE TAKE NOTICE** that it is hereby consented to that Freedman & Gersten LLP, 777 Terrace Avenue, 5<sup>th</sup> Floor, Hasbrouck Heights, New Jersey 07604, hereby withdraws as counsel for Third Party Defendant Elizabeth Ann DeMola in the above-captioned matter.

Dated: December 2, 2008

**ELIZABETH ANN DEMOLA**

By: E.A. Demola

**FREEDMAN & GERSTEN LLP**

By: Marc D. Freedman  
Marc D. Freedman, Esq.

TO: Betty Ann DeMola (via Certified Mail Return Receipt  
Requested, Federal Express, and regular mail)  
Robert A. Magnanini, Esq. (via electronic filing and fax)  
David R. Kott, Esq. (via electronic filing and fax)  
Edward J. Hayes, Jr., Esq. (via electronic filing and fax)  
Martin R. McGowan, Jr., Esq. (via electronic filing and fax)  
Jeffrey Smith, Esq. (via fax)  
All Other Persons on the Attached Service List



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Attorneys for Third-Party Defendant  
Elizabeth Ann DeMola

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

WALSH SECURITIES, INC., : Civil Action No. 97-cv-3496 (DRD) (MAS)

Plaintiff, : Hon. Dickinson R. Debevoise

vs.

CRISTO PROPERTY MANAGEMENT,  
LTD., a/k/a G.J.L. LIMITED, DEK HOMES  
OF NEW JERSEY, INC., OAKWOOD

PROPERTIES, INC., NATIONAL HOME  
FUNDING, INC., CAPITAL ASSETS  
PROPERTY MANAGEMENT &  
INVESTMENT CO., INC., CAPITAL  
ASSETS PROPERTY MANAGEMENT,  
L.L.C., WILLIAM KANE, GARY GRIESER,  
ROBERT SKOWRENSKI, II, RICHARD  
CALANNI, RICHARD DiBENEDETTO,  
JAMES R. BROWN, THOMAS BRODO,  
ROLAND PIERSON, STANLEY YACKER,  
ESQ., MICHAEL ALFIERI, ESQ., RICHARD  
PEPSNY, ESQ., ANTHONY M. CICALESE,  
ESQ., LAWRENCE CUZZI, ANTHONY  
D'APOLITO, DAP CONSULTING,  
INC., COMMONWEALTH LAND TITLE  
INSURANCE CO., NATIONS TITLE  
INSURANCE OF NEW YORK, INC.,  
FIDELITY NATIONAL TITLE INSURANCE  
CO. OF NEW YORK, COASTAL TITLE  
AGENCY, STEWART TITLE GUARANTY  
COMPANY, IRENE DIFEO, DONNA PEPSNY,  
WEICHERT REALTORS, AND VECCHIO  
REALTY, INC. D/B/A MURPHY REALTY  
BETTER HOMES and GARDENS,

ORDER PERMITTING  
WITHDRAWAL OF COUNSEL

Defendants,

and

COMMONWEALTH LAND TITLE  
INSURANCE COMPANY,

Defendant/Third Party Plaintiff,

v.

ROBERT WALSH and  
ELIZABETH ANN DEMOLA,

Third Party Defendants,

and

ROBERT WALSH

Counterclaim- Plaintiff,

v.

COMMONWEALTH LAND TITLE  
INSURANCE COMPANY,

Counterclaim-Defendant.

**THIS MATTER** having been opened to the Court by letter application on September 29, 2008 by Freedman & Gersten LLP, 777 Terrace Avenue, 5<sup>th</sup> Floor, Hasbrouck Heights, New Jersey 07604, counsel for Third Party Defendant Elizabeth Ann DeMola, requesting permission to withdraw as counsel for Ms. DeMola; Ms. DeMola having provided her written consent for Freedman & Gersten LLP to withdraw as her counsel by having signed a Notice of Consent to Withdrawal of Counsel on December 2, 2008; no parties or counsel having objected to the request by Freedman & Gersten LLP to withdraw as counsel for Ms. DeMola; and for good cause shown,

IT IS on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

**ORDERED** that the application to withdraw as counsel be and the same hereby is

**GRANTED.**

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The Honorable Michael A. Shipp, U.S.M.J.